



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2750

Introduced 2/20/2015, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

New Act

Creates the Cannabis Study Act. Provides that before considering the regulation and taxing of cannabis in a manner similar to alcohol and tobacco for individuals 21 years of age or older, the General Assembly shall direct the Illinois Sentencing Policy Advisory Council to: (1) determine the effect regulation and taxation would have on law enforcement resources; (2) determine the impact regulation would have on the rate of arrests, predisposition detention, and sentencing; (3) review approaches a cannabis regulation law could take regarding drug-free workplace policies and procedures and what effect the different approaches would have; (4) determine the effect regulation and taxation would have on existing criminal laws, including the Cannabis Control Act; (5) review approaches states have taken to reduce risks associated with the operation of motor vehicles by individuals impaired by intoxicants including but not limited to cannabis, and what effect the different approaches have had on rates of fatalities; (6) determine to what extent the taxation and regulation of cannabis may generate employment and revenue in Illinois if at all; (7) determine the regulatory and taxing system needed for the licensing of entities to sell cannabis and the licensing of entities to grow cannabis; (8) determine the product labeling, quality control, and taxing regulations needed; (9) compare the health effects of cannabis, alcohol, and prescription drugs on the individual and community as it relates to violence, risk-taking, addiction, cancer, overdose, and mortality; (10) determine the impact that existing laws on cannabis possession have on rates of crime and violence; and (11) any other relevant analysis regarding the impact on the public safety and welfare of the citizens of Illinois. Provides that the Illinois Sentencing Policy Advisory Council shall consider factors and work in conjunction with, and obtain input from, any individual, agency, association, and research institution deemed appropriate by the Council. Provides that the Illinois Sentencing Policy Advisory Council shall report to the General Assembly its findings on or before December 20, 2015.

LRB099 07715 RLC 27848 b

1 AN ACT concerning cannabis.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Cannabis Study Act.

6 Section 5. Findings.

7 (a) Numerous localities throughout this State impose a
8 civil fine for the possession of cannabis. The states of
9 Alaska, California, Connecticut, Maine, Massachusetts,
10 Mississippi, Nebraska, New York, Rhode Island and Vermont
11 impose civil fines, based on specified low gram quantities of
12 cannabis. On August 29, 2013 the U.S. Department of Justice
13 issued a "Guidance Regarding Marijuana Enforcement" Memorandum
14 for all United States Attorneys reaffirming that "the
15 Department of Justice has not historically devoted resources
16 for prosecuting individuals whose conduct is limited to
17 possession of small amounts of marijuana for personal use on
18 private property".

19 (b) A majority of voters in the states of Alaska (2014),
20 Oregon (2014), Colorado (2012), and Washington (2012)
21 legalized the possession of cannabis by any person 21 years of
22 age or older, and tax and regulate cannabis in a manner similar
23 to alcohol. Despite existing federal law prohibitions

1 regarding the purchase and possession of cannabis, on August
2 29, 2013, the U.S. Attorney General publicly stated that the
3 Department of Justice would allow Washington and Colorado to
4 create a system that would regulate and implement legalization
5 of the use of cannabis for adults.

6 (c) Numerous polls, including a 2013 Pew Research Center
7 poll found that a majority of Americans favor legalizing the
8 use of cannabis, with an 11 point rise since 2010.

9 (d) During the 42 years since the enactment of the Cannabis
10 Control Act, attitudes in this State regarding the use of
11 cannabis have changed; Public Act 98-122, the Compassionate Use
12 of Medical Cannabis Pilot Program Act, of the 98th General
13 Assembly, authorized physicians to prescribe cannabis for
14 therapeutic use in patients suffering from certain types of
15 medical conditions.

16 (e) It is appropriate for this State to consider the
17 regulation and taxing of cannabis, in a manner similar to
18 alcohol and tobacco, for individuals 21 years of age or older.

19 (f) If the General Assembly wishes to consider regulating
20 and taxing cannabis, in a manner similar to alcohol or tobacco,
21 for individuals 21 years of age or older, that decision should
22 be based upon facts which establish that the regulation and
23 taxation of cannabis is in the best interest of the people of
24 the State of Illinois.

25 Section 10. Regulation and taxation of cannabis in a manner

1 similar to alcohol and tobacco for individuals over 21 years of
2 age or older.

3 (a) Before considering regulation and taxation of cannabis
4 in a manner similar to alcohol and tobacco for individuals over
5 21 years of age or older, the General Assembly shall direct the
6 Sentencing Policy Advisory Council to:

7 (1) determine the effect regulation and taxation would
8 have on law enforcement resources;

9 (2) determine the impact regulation would have on the
10 rate of arrests, predisposition detention, and sentencing;

11 (3) review approaches a cannabis regulation law could
12 take regarding drug-free workplace policies and procedures
13 and what effect the different approaches would have;

14 (4) determine the effect regulation and taxation would
15 have on existing criminal laws, including the Cannabis
16 Control Act;

17 (5) review approaches states have taken to reduce risks
18 associated with the operation of motor vehicles by
19 individuals impaired by intoxicants including but not
20 limited to cannabis, and what effect the different
21 approaches have had on rates of fatalities;

22 (6) determine to what extent the taxation and
23 regulation of cannabis may generate employment and revenue
24 in this State if at all;

25 (7) determine the regulatory and taxing system needed
26 for the licensing of entities to sell cannabis and the

1 licensing of entities to grow cannabis;

2 (8) determine the product labeling, quality control,
3 and taxing regulations needed;

4 (9) compare the health effects of cannabis, alcohol,
5 and prescription drugs on the individual and community as
6 it relates to violence, risk-taking, addiction, cancer,
7 overdose, and mortality;

8 (10) determine the impact that existing laws on
9 cannabis possession have on rates of crime and violence;
10 and

11 (11) any other relevant analysis regarding the impact
12 on the public safety and welfare of the citizens of this
13 State.

14 (b) The Illinois Sentencing Policy Advisory Council shall
15 report to the General Assembly its findings on or before
16 December 20, 2015.

17 Section 15. Scope and partnership. The Illinois Sentencing
18 Policy Advisory Council shall consider factors and work in
19 conjunction with, and obtain input from, any individual,
20 agency, association, and research institution, deemed
21 appropriate by the Council.